

REMARKS

At the suggestion of the Examiner, the drawings have been amended to indicate a syringe body centerline 26 and the specification amended accordingly. No new matter is added by this change to the drawings in that a centerline is inherent.

The specification and the claims have further been amended to structurally define the control rod as sliding parallel to the body/plunger rack centerline.

Claims 1-4 and 7-8 have been rejected by the Examiner under 35 USC 102(b) as being anticipated U.S. 5,891,106 to Butuzov, et al.

Clearly, Butuzov, et al. includes no parallel control rod for engaging with a plunger rack as now defined by the amended claim. Hence, the Applicants submit that the Examiner has not made a prima facie case of anticipation under 35 USC 102(b) for claims 1-4 and 7-9. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims based upon 35 USC 102(b).

Claims 1-4 and 8-9 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by U.S. 4,099,548 to Strum, et al. In this rejection, the Examiner states that Strum, et al. discloses a controlled volume injection/aspiration device. The Applicants submit that Strum, et al. teaches a hand held pipette for dispensing volumes of liquid, however the structure in operation is entirely different that of the present invention.

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IN THE DRAWINGS

The applicant submits two (2) replacement sheets of drawings indicating a centerline in Figures 1-4.

For example, as amended, the injection/aspiration device in accordance with the present invention utilizes a single finger accessible button to cause both ejection of medication when moved in one direction and aspiration of fluid when moved in an opposite direction.

Clearly, there is no equivalent structure in Strum, et al. which utilizes one knob 19 to discharge liquid and another loading slide 25 to fill the pipette with liquid, see column 2, line 64 through column, 3, line 12.

With this difference in structure, a prima facie case of anticipation under 35 USC 102(b) cannot be established and the Examiner is respectfully requested to withdraw the rejection.

Claim 5 rejected under 35 USC 103(a) on the basis of Butuzov, et al. or Strum, et al. has been cancelled.

Claim 6 rejected under 35 USC 103(a) on the basis of either Butuzov, et al in view of U.S. 5,674,205 to Pasricha, et al. or Strum, et al. in view of Pasricha depends from an allowable claim and accordingly is allowable over the art.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is

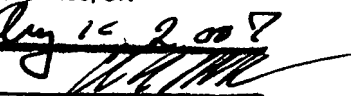
aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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